

Guide to the application to subdivide, or to subdivide and change a water access licence

General instructions

This guide provides explanations of terms and requirements to help you complete the application. The WaterNSW website at www.waternsw.com.au provides more information on water access licences (WALs) and water dealings under the *Water Management Act 2000*.

The application form comprises sections which are divided into a series of questions. The questions are identified by a number on the left hand side of the form (for example, B4 is question 4 in section B). The following information corresponds to these references in the application form.

To make sure that your application is processed efficiently please note these general instructions:

- If completing a 'hard copy' form in handwriting, please use a black/blue ink pen and use BLOCK letters;
- For downloaded forms, if there is not enough space on the form for all your information, copy the relevant page(s), complete the answer as required and attach it to application form (remember to include this page(s) when numbering your pages);
- Ensure that you fully complete the form, as all the information is necessary to verify and process your application – your application may be rejected if all the required information is not provided.

A schedule of fees is available at: www.waternsw.com.au.

If the application form is incomplete, the application process may be delayed or the application may be refused. Further information may be requested in relation to the application.

Making and submitting an application

You can apply to subdivide a WAL or to subdivide a WAL and change one or all of the new WALs using two options:

- **Go to Water Applications Online** for an easy to use, interactive option. Applications using the online service can be processed faster than those submitted by post. Applicants can also track the progress of their application using a unique log in and password. Once completed, a copy of the application must be printed out, signed by all applicants, and submitted by fax, email (as a scanned attachment) or post.

When using the online option, application fees can be paid by phone using a credit card or paid by cheque. To use Water Applications Online go to: www.waternsw.com.au.

- **Download an application form as a PDF document** (or obtain a printed copy from your local water licensing office) and complete it in either in handwriting or fill out using Adobe Acrobat Reader (Version 8 or above). The form must then be signed by all applicants, and submitted by fax, email (as a scanned attachment) or post.

Application fees must be paid by cheque made out to the WaterNSW.

SECTION A: Access licence to be subdivided

In this section, insert the details that identify the WAL that is to be subdivided into two or more WALs.

- A1** Insert the licence number of the WAL to be changed. It is found on the top right hand corner of your access licence title search or your original access licence certificate (unless otherwise indicated). Please note references to 'WAL' apply equally to the title record and the certificate.
- A2** Insert the share component of the WAL. The share component may be in units or megalitres found in Part D of the WAL.

SECTION B: Holder details

These are the details of the registered holder(s) that appear on the WAL.

- B1-4** The name can be a person's name or the name of a legal entity, such as a corporation.
- B5** Insert the Australian Company Number (ACN) if it is a company application. Note that an ABN (Australian Business Number) is not permitted.
- B6** Insert the position of the person(s) who is/ are making the application for and on behalf of the corporation.
- B7-11** Insert the address of the holder. For corporations, insert the address details of the corporation's registered office.

B16-30 More than one person can hold one WAL. This form makes provision for two holders. For more than two holders, provide the information on additional pages and attach to the application form. Each holder will be a holder of any WAL that might be issued as a result of the application.

B31 (Downloaded forms only.) This is the total number of holders listed on the WAL (include holders listed on any additional pages).

SECTION C: Authorised contact person (optional)

C1-12 Insert the name and contact details of the authorised contact person.

SECTION D: Proposed subdivision of WAL

This section relates to the proposed subdivision of a WAL.

- D1** If you wish to split the components of your WAL evenly between the new WALs, then tick the box in D1.
- D2** Enter the number of new WALs you wish to evenly split your current WAL into.
- D3** Tick this box if you do not wish your WAL to be split evenly and instead wish to specify how the components of your current WAL should be split among the new WALs.
- D4** The table provides for the splitting of your current WAL into two or three new WALs. Enter the share volumes (specific purpose WALs) or units (perpetual category WALs) you wish to allocate to each of the new WALs.
- D5** If you have water allocations in your water allocation account, you can specify how you want those water allocations split between the new water allocation accounts. You must specify the division as a percentage.
- D6** Carryover water allocations are limited to those WALs in water sources that have water allocation accounts with separate accounting for allocations and carryover (applicable in some regulated rivers only). You must specify the division as a percentage.

SECTION E: Making changes to the new WALs

Following the subdivision in Section D

In this section, specify the proposed changes you wish to make to the new WALs resulting from the subdivision under Section D. Rules specified in the relevant water sharing plan for the water source and in the access licence dealing principles under the *Water Management Act 2000* regulate the changes that are permitted (refer to the

Water Management Act 2000 and regulations listed at www.legislation.nsw.gov.au). Leave blank if not applicable or there is no change proposed.

E1 Change category: Complete this section if you wish to cancel an existing WAL and apply for a new WAL of a different category or subcategory, under section 71O of the *Water Management Act 2000*.

Any new WAL granted will be: (a) subject to the mandatory conditions applicable to the category or subcategory of licence to which it belongs; and (b) for a period no greater than the residue of the period for which the cancelled WAL would have had effect if it had not been cancelled; and (c) will be in the same water management area or water source as the cancelled WAL. Any interests that subsisted in the cancelled WAL, as in force immediately before it was cancelled, will become equivalent interests in the WAL.

E2 Change share component: Complete this section if you wish to cancel an existing WAL and apply for a new WAL with a share component that specifies a different water source or water management area, under section 71R of the *Water Management Act 2000*.

Note that a change of water source is generally subject to very strict controls. Any new WAL granted will be: (a) subject to mandatory conditions applicable to a WAL of the same category or subcategory for the water management area or water source specified; and (b) for a period no greater than the residue of the residue period for which the cancelled WAL would have had effect if it had not been cancelled. Any interests that subsisted in the cancelled WAL, as in force immediately before cancellation, will become equivalent interests in any new WAL granted.

E3 Change extraction component: Complete this section if you wish to amend the extraction component of a WAL so as to: (a) vary the times, rates or circumstances specified in the WAL with respect to the taking of water under the WAL, or (b) vary the areas or locations specified in the WAL as the areas or locations from which water may be taken under the WAL, under section 71S of the *Water Management Act 2000*.

This may include a change to the zone or sub-zone specified in the WAL as the area or location from which water may be taken under the WAL. Note also that not all water sources are divided into zones or sub-zones (this will be indicated in the relevant water sharing plan and is sometimes called the zone management area).

The area or location arising from such a variation must relate to the same water management area or water source as that to which the original area or location related.

E4 Complete this section if you wish to:

- **Add nominated water supply work/s:**

This section must be completed if you intend to take water through a water supply work not already nominated on the WAL. Insert the number of the water supply work approval/s for the water supply works to be nominated. Note that for approval/s with more than one water supply work, you are nominating all water supply works listed on the approval.

The water supply work / group of water supply works nominated in E4 above must be in one or more of the following:

- (a) the same water management area or water source as the WAL concerned;
- (b) a NSW water tagging zone; or
- (c) an interstate water tagging zone in another State or Territory if the operation of the work or works is lawful in that zone and an arrangement is in place between the Minister and a Minister of the other State or Territory.

Intrastate 'tagging' – refers to nominating a work located in a water source within New South Wales, other than the water source specified in the WAL.

Interstate 'tagging' – refers to nominating an interstate work to which the WAL is to be linked. Note that the interstate protocols to the Murray Darling Basin Agreement require that a water entitlement can only be tagged to a work in one interstate tagging zone. As a result, in order to nominate an interstate work, all existing 'nominated works' that are outside the nominated zone must be removed.

This limitation does not apply in relation to interstate water tagging between New South Wales and Queensland. In E4, enter the State and the interstate licence number (ie. Victoria – allocation bank account, South Australia – entitlement, Queensland – Development Permit).

This information will facilitate the administration of water accounting associated with the tag. You will need to obtain and complete the form/s required by the relevant interstate agency for tagging within Victoria and South Australia. These interstate form/s comprise an integral component of your application. For interstate tagging within Queensland, the applicant must supply a copy of the current Development Permit and a Works/ Meter Verification Notice endorsed by the 'State of Destination'.

- **Remove nominated water supply work/s:**

It is not necessary to identify each individual work. All that is required is the number of the water supply work approval(s) that authorises the water supply works being removed. If the work is interstate, enter the State and the interstate licence number ie. Victoria – allocation bank account, South Australia – entitlement, Queensland – Development Permit).

Downloaded forms only: For more works, copy and attach an extra page.

SECTION F: Declaration

Please ensure you understand your legal obligations before signing this document. You may need to obtain independent legal advice for this.

F1 Each of the WAL holders must fill in their name, followed by a signature and the date of signing.

F2-F6 If the holder is a corporation, insert the name of the corporation.

The application is to be signed for and on behalf of the holder by two persons in accordance with section 127 of the *Corporations Act 2001* Cth (if a company) or by its duly authorised officer (for other types of corporation).

SECTION G: Declaration of NSW approval holder(s)

Please ensure you understand your legal obligations before signing this document. You may need to obtain independent legal advice for this.

The written consent of each holder(s) of a water supply work approval(s) for a water supply work that is nominated in relation to this application is required if the holder is not an applicant to this application.

G1 The approval number is located at top of the front page of the 'Statement of Approval'.

G2 All the holders of the approval must include their name in BLOCK letters, followed by a signature and the date of signing.

G3 If the holder of the approval is a corporation, then insert the name of the corporation.

G3-G6 The application is to be signed for and on behalf of the approval holder by two persons in accordance with section 127 of the *Corporations Act 2001* Cth (if a company) or by its duly authorised officer (for other types of corporation).

More information

Phone: 1300 662 077

Email: Customer.Helpdesk@waternsw.com.au

www.waternsw.com.au find out more about water licensing and compliance.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (October 2017). However users are reminded of the need to ensure that the information upon which they rely on is up to date and to check currency with WaterNSW or with the user's independent adviser.

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